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16 Attorneys for Plaintiff Boston Scientific Corp.

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

19 BOSTON SCIENTIFIC CORP.,

20 Plaintiff,

21 vs.

22 MEDTRONIC, INC., MEDTRONIC  
23 VASCULAR, INC., MEDTRONIC USA, INC.,  
24 MEDTRONIC VASCULAR GALWAY, LTD.

25 Defendants.

26 AND RELATED COUNTERCLAIMS  
27

Case No. CV 08 3844 PJH

**STIPULATION AND ~~PROPOSED~~ ORDER  
SELECTING ADR PROCESS**

28 Stipulation and Proposed Order  
Selecting ADR Process  
Case No. CV 08 3844 PJH  
DM\_US:21558003\_1

DM\_US:21566284\_1

1 Counsel report that they have met and conferred regarding ADR and have reached the following  
2 stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

3 **Private Process:** The parties agree to engage in private mediation using a mutually acceptable  
4 mediator from JAMS (or a similar organization).

5 **Timing:** The parties believe that mediation before the claim construction ruling would not be  
6 fruitful as the scope of the claims may materially impact parties' infringement and invalidity contentions.  
7 The parties propose that they hold a private mediation within 60 days of the claim construction ruling or  
8 before the fact discovery cutoff, whichever is earlier.

9 Respectfully submitted,

10 Dated: October 30, 2008

**HOWREY LLP**

11 By: \_\_\_\_\_  
12 Katharine L. Altemus  
13 Attorneys for Plaintiff/Counterdefendant  
14 BOSTON SCIENTIFIC CORP.

16 **GIBSON, DUNN & CRUTCHER LLP**

17 By: \_\_\_\_\_  
18 H. Mark Lyon  
19 Attorneys for Defendants/Counterclaimants  
20 MEDTRONIC, INC., MEDTRONIC  
21 VASCULAR, INC., MEDTRONIC USA, INC.,  
22 and MEDTRONIC VASCULAR GALWAY,  
23 LTD.

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25 ///

26 ///

27 ///

Dated: October 30, 2008

**HOWREY LLP**

**By:** \_\_\_\_\_  
Katharine L. Altemus  
**Attorneys for Plaintiff/Counterdefendant**  
**BOSTON SCIENTIFIC CORP.**

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/23/09

Phyllis J. Hamilton  
United States District Judge

